

UNITED STATES DISTRICT COURT

For
The District of Rhode Island

FILED

2015 DEC 16 A 11:45

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

ALEC CERULLO pro.se

(Enter the full name(s) of the
Plaintiff(s) in this action)

CA 15 - 531 M

vs.

Civil Action No. _____

A.T. WAIL - DIRECTOR

STEVEN CAISE %

DEPUTY WARDEN VICINO

LT. TIERNEY

LT. GAUGAIN

(Enter the full name(s) of the
Defendant(s) in this action)

PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court
dealing with the same facts involved in this action or otherwise
relating to your imprisonment?

Yes: ☒ No: ☐

B. If your answer to "A" is yes, describe each lawsuit in
the space below. (If there is more than one lawsuit, describe
the additional lawsuits on another piece of paper, using the
same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: ALEC CERULLO pro.se

Defendants: A.T. WAIL (DIRECTOR)

COUNSELOR ANTHONY AMARAL

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2. Court where action was filed (if federal, give the district; or if state, give the county):

U.S. DISTRICT CT. DISTRICT OF R.I.

3. Please give docket number(s): CA 14-364 ML

4. Name of Judge to whom case was assigned: MARY M.

Lisi

5. Disposition of case (for example, was the case dismissed or appeal, or is it still pending)

DISMISSED

6. Approximate date of filing lawsuit: 8-2014

7. Approximate date of disposition: 4-9-15

II. PLACE OF PRESENT CONFINEMENT

- A. Did you present the facts relating to this complaint to the Warden or any of the prison officials?

YES

- B. If your answer was Yes:

1. What steps did you take? FILED BRIEVENCES

2. What was the result(s): DENIED

- C. If your answer is NO, explain why not:

III. PARTIES

In item "A" below, place your name in the first blank. Do the same for any additional parties, if any.

- A. Name of Plaintiff: ALEC CERULLO pro se.

In item "B" below, place the full name of the Defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item "C" for the names, position and places of employment of any additional Defendants.

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B. Defendant A.T. WALL is employed

as THE DIRECTOR at THE A.C.I.

C. Additional Defendants: DEPUTY WARDEN VICINO

% STEVEN CAUSE L.T. GALICIAN L.T. TIERNEY

IV. STATEMENT OF CLAIM

State here as briefly as possible the facts of your case. Describe how each Defendant is involved. Include also the names of any other person(s) involved, dates and places. Do not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet, if necessary.

SEE LINE PAPER

V. RELIEF

State briefly exactly what you want the Court to do for you. Make no legal arguments and do not cite any cases or statutes.

SEE LINE PAPER

UNITED STATES DISTRICT COURT FOR
THE DISTRICT FOR RHODE ISLAND

Alec Cerullo, pro-se
PLAINTIFF

COMPLAINT

V.

CIVIL NO:

A.T. Wall, Director

Lt. Galligan, Lieutenant

Co. Calise, Correctional Officer

Lt. Tierney, Lieutenant

Deputy Warden, Victim

INDIVIDUALLY AND IN THEIR
OFFICIAL CAPACITIES, DEFENDANTS

I. JURISDICTION & VENUE

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343(A)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFFS CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2. THE UNITED STATES DISTRICT COURT OF RHODE ISLAND IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

II. PLAINTIFF

3. PLAINTIFF, ALICE CARUHO, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF RHODE ISLAND IN THE CUSTODY OF THE RHODE ISLAND DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN THE A.C.I. HIGH SECURITY CENTER, IN CRANSTON RHODE ISLAND.

III. DEFENDANTS

4. DEFENDANT, A. T. WAIL IS THE DIRECTOR OF THE STATE OF RHODE ISLAND. HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING HIGH SECURITY CENTER.

5. DEFENDANT, LT. GALLIGIAN IS A CORRECTIONAL OFFICER OF THE STATE OF RHODE ISLAND DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO THE HIGH SECURITY CENTER.

6. DEFENDANT, CALISE IS A CORRECTIONAL OFFICER OF THE RHODE ISLAND DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF GUARD AND WAS ASSIGNED TO HIGH SECURITY CENTER.

7. DEFENDANT, LT. TIERNEY IS A CORRECTIONAL OFFICER OF THE RHODE ISLAND DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD RANK OF LIEUTENANT AND WAS ASSIGNED TO HIGH SECURITY CENTER.

8. DEFENDANT, DEPUTY WARDEN VICINO IS THE DEPUTY WARDEN OF HIGH SECURITY CENTER. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF HIGH SECURITY CENTER AND FOR THE WELFARE OF ALL THE INMATES OF THAT PRISON.

9. ERSH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT ERSH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

III. FACTS

1. UPON ARRIVING TO E-mad CELL #12 ON FRIDAY 2/27/15 AT 1:00PM I, PLAINTIFF, ASKED TO % CAISE IF I COULD CLEAN THE CELL FIRST AND MY RESPONSE WAS 'NO'.

2. THEN I ASKED FOR MY PROPERTY THAT HE TOOK FROM ME UPON ARRIVING, STAMPS, ENVELOPES, PAD, PEN AND SO ON.

3. % CAISE SENT EVERYTHING TO MY TRAPS AND STATED TO ME I COULD NOT RECEIVE IT, NOW I COULD NOT WRITE TO ANYONE.

4. THE NEXT DAY WHICH WAS SATURDAY 2/28/15 AT AROUND 7:15 AM I ASKED %O CALISE FOR ALL MY PROPERTY AND ALSO ASKED FOR A TIE TOWEL.

5. FOR THIS REQUEST %O CALISE REFUSED ME THEN SHUT MY WATER OFF TO MY CELL. (VIEW CAMERA)

6. I, PLAINTIFF HAD NO WATER AND COULD NOT USE THE TOILET OR GET A DRINK FOR %O CALISE'S WHOLE SHIFT (8 HRS).

7. FROM THE POINT OF ENTERING CELL #12 %O CALISE REFUSED TO GIVE ME SHOWERS FOR 10 DAYS NO CELL CLEANING FOR THE WHOLE 20 DAYS. 2/27/15 TO 3/19/15

8. I, PLAINTIFF DID PUT IN FOR GRIEVANCES LEVEL 1 AND IT CAME BACK DENIED. ON 4-2-15

9. THEN I, PLAINTIFF ASKED LT. TIERNEY ON 4-2-15 FOR A LEVEL 2 GRIEVANCES AND RECEIVED NO RESPONSE

10. AFTER ALL THIS ON 3/17/15 AGAIN %O CALISE OPENED UP ALL DOOR TRAPS FROM CELL #7 TO CELL #11 FOR SHOWERS AND NOT MINE (CELL #12) (VIEW CAMERA)

11. AGAIN REFUSING ME A SHOWER ON THIS DAY AGAIN.

12. I, PLAINTIFF REQUESTED A LEVEL-1 GRIEVANCE WHICH WAS DENIED.

13. I, PLAINTIFF REQUESTED A LEVEL-2 GRIEVANCE WHICH WAS DENIED. NO RESPONSE

14. CO'CAISE THEN THREW ME OUT OF THIS MOD FOR THE REASON OF FILING FOR GRIEVANCES

15. I, PLAINTIFF WAS SENT TO F-MOD CELL-7 ON 3/19/15 TO 3/22/15

16. THEN PLAINTIFF WAS SENT TO HOSPITAL BACK CELL-3 ON SUNDAY AROUND 9AM AND WHEN MY SEGREGATION TIME WAS DONE ON 3/24/15, TWO DAYS LATER LT. GALLIBAN LEFT PLAINTIFF IN SEG FOR 42 DAYS EXTRA

17. ON 4/1/15 I SENT A REQUEST SLP TO LT. TIERNEY ASKING FOR ANOTHER LEVEL-1 GRIEVANCE FOR MY EXTRA TIME IN SEG BUT DID NOT RECEIVE A RESPONSE BACK.

18. ON 4/2/15 PLAINTIFF SENT A LETTER TO A.T WALL EXPLAINING THE SITUATION AND NEVER RECEIVED A RESPONSE BACK TILL 5/6/15 IN WHICH I JUST GOT LET OUT OF SEG AND WENT TO A-MOD CELL-11

19. I DID FILE A COMPLAINT WITH THE STATE POLICE ~~AND~~ DETECTIVE SGT. TIMOTHY DAVISELLEAU, AND RECEIVED

- 19. ONLY A LETTER WITH A CASE # 15TRIXI-699-0P.
- 20. THE A.C.I. IS TRYING TO COVER THIS UP THEY DID NOT VIEW ANY CAMERAS AS I ASKED.
- 21. ON 4/23/15 AN INMATE ON C-STATUS LIKE MYSELF WAS LET OUT OF SEG WHEN HIS TIME WAS DONE IN HOSPITAL BACK CEN-2 AND I PLAINTIFF WAS LEFT IN SEG.

IV. EXHAUSTION OF LEGAL REMEDIES

22. PLAINTIFF, ALEC CERULLO USED THE PRISONER GRIEVANCE PROCEDURE AVAILABLE AT HIGH SECURITY CENTER TO TRY AND SOLVE THE PROBLEM. ON 3/21/15 PLAINTIFF ALEC CERULLO PRESENTED THE FACTS RELATING TO THIS COMPLAINT ON 4/2/15 PLAINTIFF ALEC CERULLO WAS SENT A RESPONSE SAYING THAT THE GRIEVANCES HAD BEEN DENIED.

V. LEGAL CLAIMS

23. PLAINTIFF REQUESTS AND INCORPORATE BY REFERENCE PARAGRAPHS 1-22

24. THE DEFENDANT, C/O CAUSE DENIAL OF THE GRIEVANCE PROCEDURE STATED IN PARAGRAPH 4 TO 5 VIOLATED PLAINTIFF DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

25. THE DEFENDANT LT. TIERNEY'S DENIAL OF THE GRIEVANCE PROCEDURE STATED IN PARAGRAPH 9 VIOLATED PLAINTIFF'S DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

26. THE DEFENDANT LT. GALLIGAN'S DECISION TO LOCK ME UP FOR 42 DAYS AS STATED IN PARAGRAPH 16. FOR REQUESTING GRIEVANCES VIOLATED PLAINTIFF'S DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT, AND THE EIGHTH AMENDMENT.

27. THE DEFENDANTS A.T. WALL AND DEPUTY WARDEN VICINO FAILURE TO RESPOND AND REMEDY THE ISSUE STATED IN PARAGRAPH 1-22 VIOLATES PLAINTIFF'S DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

28. THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

VI. PRAYER FOR RELIEF

29. WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGMENT GRANTING PLAINTIFFS:

30. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE

- 30. CONSTITUTION AND LAWS OF THE UNITED STATES.

31. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS TO FOLLOW D.O.C. POLICY AND TO STOP TARGETING PLAINTIFF FOR EXERCISING HIS RIGHTS.

32. COMPENSATORY DAMAGES IN THE AMOUNT OF \$5,000 AGAINST EASH DEFENDANT, JOINTLY AND SEVERALLY.

33. PUNITIVE DAMAGES IN THE AMOUNT OF \$5,000 AGAINST EASH DEFENDANT.

34. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

35. PLAINTIFF'S COSTS IN THIS SUIT.

36. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

DATED: 11-30-2015 Alex Cerullo pro, se
RESPECTFULLY SUBMITTED

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT CRANSTON, RHODE ISLAND ON 11-30-2015
DATE

X Alex Curren PRO, 56
SIGNATURE

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VI. CERTIFICATION

I the undersigned, do hereby swear that the above stated facts are both true and correct, based upon my personal knowledge.

Alex Cervino Prose
(Signature of Plaintiff)

(Additional Plaintiffs)

Alex Cervino
Po Box 8200

Cranston, R.I. 02920
(Address for Plaintiff(s))